IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

WEDNESDAY, THE 3RD JANUARY 2007 / 13TH POUSHA, 1928

WP(C).No. 78 of 2007(H)

PETITIONER:

K.VELAPPAN, S/O.K.V.PATTIVELAN,
KONNAYATH VEEDU, VELLARCODE, MANKARA P.O.,
PALAKKAD DISTRICT.

BY ADV. SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P

RESPONDENTS:

1. RUBBER BOARD, EXCISE DUTY DIVISION,
KEEZHUKUNNU, KOTTAYAM, REP. BY ITS SECRETARY.

2. THE TAHSILDAR (RR), PALAKKAD.

3. THE VILLAGE OFFICER,
MANKARA VILLAGE, PALAKKAD.

4. K.V.DILIP KUMAR, KONNAYATH VEEDU,
VELLARCODE, MANKARA P.O., PALAKKAD DISTRICT.

BY GOVT.PLEADER SRI M.A.FAYAZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN, J.

W.P.(C).NO.78 OF 2007

Dated this the 3rd day of January, 2007

JUDGMENT

Petitioner's grievance is that for recovery of the amount due from his son the movables in the house belonging to the petitioner is sought to be attached. He placed reliandce on the decision of this Court in **Kesavan Nair v. Sales Officer (1997 (1) KLT 460)** wherein it was held that if the movables are in the property belonging to the petitioner, there is a presumption that it belongs to him and the burden is on the revenue to prove otherwise.

2. Now the petitioner has been served with Ext.P4, a notice of demand under Section 7, distraining the movable property mentioned therein, as though those properties belong to the son of the petitioner. In such

circumstances, if the petitioner files a claim petition before the District Collector, the same shall be considered in accordance with law and in the light of the decision cited above within a period of three weeks. Pursuant to Ext.P4 order passed the movables shall not be removed from the possession of the petitioner. However, the petitioner shall not sell the same, until a decision is rendered. In case the petitioner does not move the authorities within the time as stipulated above, the benefit of this judgment will stand automatically cancelled.

Petitioner shall produce a copy of this judgment along with a claim petition before the District Collector for information and compliance.

Writ Petition is disposed of as above.

P.R.RAMAN,
JUDGE.

kcv.